

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NPDES GENERAL PERMIT

for

STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY  
(except construction activity)

This permit authorizes storm water discharges to waters of the State of South Carolina in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I through X hereof. This permit is issued in accordance with the provisions of the Pollution Control Act (S. C. Code Sections 48-1-10 *et seq.*, 1976) and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "CWA."

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## **PREFACE**

The CWA provides that storm water discharges associated with industrial activity from a point source (including discharges through a municipal separate storm sewer system) to waters of the United States are unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The terms "storm water discharge associated with industrial activity", "point source" and "waters of the United States" are critical to determining whether a facility is subject to this requirement. Complete definitions of these terms are found in the definition section (Part X) of this permit. In order to determine the applicability of the requirement to a particular facility, the facility operator must examine its activities in relationship to the eleven categories of industrial facilities described in the definition of "storm water discharge associated with industrial activity".

Category (xi) of the definition, which address facilities with activities classified under Standard Industrial Classifications (SIC) codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (i)-(x)), differs from other categories listed in that it only addresses storm water discharges where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water<sup>1</sup>.

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<sup>1</sup> On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exclusion for manufacturing facilities in category (xi) which do not have materials or activities exposed to storm water to the EPA for further rule making. (Nos. 90-70671 and 91-70200).

**Part I. COVERAGE UNDER THIS PERMIT**

- A. **Permit Area.** The permit covers all areas of South Carolina including Indian Country Lands.
- B. **Eligibility.**
1. This permit may cover all new and existing point source discharges of storm water associated with industrial activity to waters of South Carolina, except for storm water discharges identified under paragraph I.B.3.
  2. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with industrial activity from construction activities provided that the storm water discharge from the construction activity is in compliance with the terms, including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.
  3. **Limitations on Coverage.** The following storm water discharges associated with industrial activity are not authorized by this permit:
    - a. storm water discharges associated with industrial activity that are mixed with sources of non-storm water other than non-storm water discharges that are:
      - (i) in compliance with a different NPDES permit; or
      - (ii) identified by and in compliance with Part III.A.2 (authorized non-storm water discharges) of this permit.
    - b. storm water discharges associated with industrial activity which are subject to an existing effluent limitation guideline addressing storm water (or a combination of storm water and process water)<sup>2</sup>;
    - c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit; are located at a facility that where an NPDES permit has been terminated or denied; or which are issued a permit in accordance

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<sup>2</sup> For the purpose of this permit, the following effluent limitation guidelines address storm water (or a combination of storm water and process water): cement manufacturing (40 CFR 411); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric (40 CFR 423); coal mining (40 CFR 434); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); and asphalt emulsion (40 CFR 443 Sub part A). This permit may authorize storm water discharges associated with industrial activity which are not subject to an effluent limitation guideline even where a different storm water discharge at the facility is subject to an effluent limitation guideline.

with paragraph VII.L (requirements for individual or alternative general permits) of this permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges;

- d. storm water discharges associated with industrial activity from construction sites, except storm water discharges from portions of a construction site that can be classified as an industrial activity under 40 CFR 122.26(b)(14)(i) through (ix) or (ix) (including storm water discharges from mobile asphalt plant, and mobile concrete plants).
  - e. storm water discharges associated with industrial activity that the Department has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;
  - f. storm water discharges associated with industrial activity that would adversely effect a listed endangered or threatened species or its critical habitat;
  - g. storm water discharges associated with industrial activities if the discharge or the best management practices are likely to adversely affect either a site that is listed or eligible to be listed in the National Historic Register maintained by the Secretary of Interior, or a site for which the applicant has not obtained or is not in compliance with a written agreement between the applicant and the State Historic Preservation Office (SHPO) that is signed by the SHPO and that outlines all measures to be undertaken by the applicant to prevent adverse effects to the historic site; and,
  - h. storm water discharges associated with industrial activity from inactive mining, inactive landfills, or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.
4. Storm water discharges associated with industrial activity which are authorized by this permit may be combined with other sources of storm water which are not classified as associated with industrial activity pursuant to 40 CFR 122.26(b)(14), so long as the discharger is in compliance with this permit.

C. **Authorization.**

1. Dischargers of storm water associated with industrial activity must submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit, using a NOI form provided by the Department (or photocopy thereof), to be authorized to discharge under this general permit.
2. Unless notified by the Department to the contrary, owners or operators who submit such notification are authorized to discharge storm water associated with industrial activity under the terms and conditions of this permit nine calendar days after the date that the NOI is postmarked to the Department.

3. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

## **Part II. NOTICE OF INTENT REQUIREMENTS**

### **A. Deadlines for Notification.**

1. Individuals who intend to obtain coverage for an existing storm water discharge associated with industrial activity under this general permit shall submit a Notice of Intent (NOI) in accordance with the requirements of this part on or before **February 1, 1998**.
2. Except as provided in paragraphs II.A.3 (oil and gas operations), II.A.4 (rejected or denied municipal group applicants), and II.A.6 (late NOI), operators of facilities which begin industrial activity after **February 1, 1998** shall submit a NOI in accordance with the requirements of this part at least nine calendar days prior to the commencement of the industrial activity at the facility;
3. Operators of oil and gas exploration, production, processing, or treatment operations or transmission facilities, that are not required to submit a permit application as of **February 1, 1998** in accordance with 40 CFR 122.26(c)(1)(iii), but that after **February 1, 1998** have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6, must submit a NOI in accordance with the requirements of Part II.C of this permit within 14 calendar days of the first knowledge of such release.
4. Storm water discharges associated with industrial activity from a facility that is owned or operated by a municipality that has participated in a timely Part 1 group application and where either the group application is rejected or facility is denied participation in the group application by EPA, and that are seeking coverage under this general permit shall submit a NOI in accordance with the requirements of this part on **February 1, 1998**
5. Where the operator of a facility with a storm water discharge associated with industrial activity which is covered by this permit changes, the new operator of the facility must submit an NOI in accordance with the requirements of this part at least nine calendar days prior to the change.
6. An operator of a storm water discharge associated with industrial activity is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1, 2, 3, 4 or 5 (above) of this permit. In such instances, the Department may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of storm water associated with industrial activity that have occurred on or after the dates specified in Part II.A.1, 2, 3, 4 or 5 (above).

- B. **Contents of Notice of Intent.** The Notice of Intent shall be signed in accordance with Part VII.G (signatory requirements) of this permit and shall include the following information:

1. Name, mailing address, and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds that the facility is located in.
  2. Up to four 4-digit Standard Industrial Classification (SIC) codes that best represent the principal products or activities provided by the facility; or for hazardous waste treatment, storage or disposal facilities, land disposal facilities that receive or have received any industrial waste, steam electric power generating facilities, or treatment works treating domestic sewage, a narrative identification of those activities;
  3. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity;
  4. The permit number of additional NPDES permits for any discharges (including non-storm water discharges) from the site that are currently, or has been previously, authorized by an NPDES permit;
  5. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the receiving water(s) for the discharge through the municipal separate storm sewer;
  6. An indication of whether the owner or operator has existing quantitative data describing the concentration of pollutants in storm water discharges (existing data should not be included as part of the NOI);
  7. An indication as to whether the facility has previously participated in the group application process. Where a facility has participated in a group application, the number EPA assigned to the group application shall be supplied; and
  8. For any facility that begins to discharge storm water associated with industrial activity after **February 1, 1998**, a certification that a storm water pollution prevention plan has been prepared for the facility in accordance with Part IV of this permit. (A copy of the plan should not be included with the NOI submission).
- C. **Where to Submit.** Facilities which discharge storm water associated with industrial activity must use a NOI form provided by the Department (or photocopy thereof). Forms are also available by calling (803) 734-5300. NOI's must be signed in accordance with Part VII.G (signatory requirements) of this permit. NOI's are to be submitted to the Department in care of the following address:
- SC Dept. of Health and Environmental Control  
NPDES/ND Permit Administration  
Storm Water Notice of Intent  
2600 Bull street  
Columbia, SC 29201
- D. **Additional Notification.** Facilities which discharge storm water associated with industrial activity through large or medium municipal separate storm sewer systems (systems located in an incorporated city



with a population of 100,000 or more, or in a county identified as having a large or medium system (see definition in Part X of this permit) shall, in addition to filing copies of the Notice of Intent in accordance with paragraph II.D, also submit signed copies of the Notice of Intent to the operator of the municipal separate storm sewer through which they discharge in accordance with the deadlines in Part II.A (deadlines for notification) of this permit.

- E. **Renotification.** Unless otherwise indicated by the Department, permittees already covered by the existing NPDES General Permit for Storm Water Discharges Associated with Industrial Activity (except construction activity) will be granted coverage automatically under the new general permit. Upon issuance of a new general permit, the Department may, at its discretion, require the permittees to notify the Department of their intent to be covered by the newly issued general permit.
- F. **Individual/Group Applications.** Any applicant that has previously filed an individual application or participated in the group application process and has not received an NPDES permit can receive coverage under this general permit. For those who submitted individual applications a letter must be sent to the Department requesting coverage in lieu of an individual permit. For those who participated in the group application process, the NOI should be submitted. In both cases, coverage under this general permit is effective nine calendar days after the date the NOI or letter is postmarked.

### Part III. SPECIAL CONDITIONS

#### A. **Prohibition on non-storm water discharges.**

- 1. Except as provided in paragraph III.A.2 (below), all discharges covered by this permit shall be composed entirely of storm water.
- 2.
  - a. Except as provided in paragraph III.A.2.b (below), discharges of material other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.
  - b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with paragraph IV.D.3.g.(2),(3) (measures and controls for non-storm water discharges): discharges from fire fighting activities; fire hydrant flushing; potable water sources including water line flushing; irrigation drainage; lawn watering; routine external building wash down which does not use detergents or other compounds; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

#### B. **Releases in excess of Reportable Quantities.**

- 1. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for

the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. Except as provided in paragraph III.B.2 (multiple anticipated discharges) of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

- a. The discharger is required to notify both the Department's Emergency Response Section at (803) 253-6488 and the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as he or she has knowledge of the discharge;
- b. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with paragraph III.B.1.c (below) of this permit to both the Emergency Response Section, SC Dept. of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201 and EPA Region 4, 61 Forsyth Street, S.W., Atlanta, GA. 30303-3104; and
- c. The storm water pollution prevention plan required under Part IV (storm water pollution prevention plans) of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. **Multiple Anticipated Discharges** - Facilities which have more than one anticipated discharge per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR 117 or 40 CFR 302, which occurs during a 24 hour period, where the discharge is caused by events occurring within the scope of the relevant operating system shall:

- a. submit notifications in accordance with Part III.B.1.b (above) of this permit for the first such release that occurs during a calendar year (or for the first year of this permit, after submittal of an NOI); and
- b. shall provide in the storm water pollution prevention plan required under Part IV (storm water pollution prevention plan) a written description of the dates on which such releases occurred, the type and estimate of the amount of material released, and the circumstances leading to the release. In addition, the plan must be reviewed to identify measures to prevent or minimize such releases and the plan must be modified where appropriate.

3. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

**Part IV. STORM WATER POLLUTION PREVENTION PLANS**

A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

**A. Deadlines for Plan Preparation and Compliance.**

1. Except as provided in paragraphs II.A.3. (oil and gas operations), II.A.4. (facilities denied or rejected from participation in a group application), II.A.6. (later dates), and II.B.8. (contents of notice of intent), the plan for a storm water discharge associated with industrial activity that is existing on or before **February 1, 1998**.
  - a. shall be prepared on or before **February 1, 1998** (and updated as appropriate);
  - b. shall provide for implementation and compliance with the terms of the plan on or before **February 1, 1998**.
2. The plan for storm water discharges associated with industrial activity from an oil and gas exploration, production, processing, or treatment operation or transmission facility that is not required to submit a permit application on or before **February 1, 1998** in accordance with 40 CFR 122.26(c)(1)(iii), but after **February 1, 1998** has a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6, shall be prepared and except as provided elsewhere in this permit, shall provide for compliance with the terms of the plan and this permit on or before the date 60 calendar days after the first knowledge of such release (and updated as appropriate);
3. Upon a showing of good cause, the Department may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity that submits a NOI in accordance with Part II.A.5 (deadlines for notification - new dischargers) of this permit (and updated as appropriate).

B. **Signature and Plan Review**

1. The plan shall be signed in accordance with Part VII.G (signatory requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Part VI.E (retention of records) of this permit.
2. The permittee shall make plans available upon request to the Department, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.
3. The Department may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Department, (or as otherwise provided by the Department), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Department a written certification that the requested changes have been made.

C. **Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of South Carolina or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department in the same manner as Part IV.B (above).

D. **Contents of Plan.** The plan shall include, at a minimum, the following items:

1. **Pollution Prevention Team** - Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
2. **Description of Potential Pollutant Sources.** Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. **Drainage.**

- (1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part IV.D.2.c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.
- (2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. **Inventory of Exposed Materials.** An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. **Spills and Leaks.** A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to February 1, 1998. Such list shall be updated as appropriate during the term of the permit.

d. **Sampling Data.** A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

- e. **Risk Identification and Summary of Potential Pollutant Sources** A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concerns shall be identified.

3. **Measures and Controls** Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

- a. **Good Housekeeping** - Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.
- b. **Preventive Maintenance** - A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g. cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
- c. **Spill Prevention and Response Procedures** - Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.
- d. **Inspections** - In addition to or as part of the comprehensive site evaluation required under Part IV.D.4. (comprehensive site compliance evaluation) of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.
- e. **Employee Training** - Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan.

Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

- f. **Record Keeping and Internal Reporting Procedures** - A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
- g. **Non-Storm Water Discharges**
  - (1) The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part VII.G of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Department in accordance with Part VI.A (failure to certify) of this permit.
  - (2) Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 (authorized non-storm water discharges) of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
  - (3) For fire hydrant and water line flushing, both, periodical and new construction occurrences, the following guidelines apply:
    - (i) Detergents and other chemical compounds can not be discharged.
    - (ii) Average chlorine concentrations at the outfall must be below detection limits.
    - (iii) Occasional peak chlorine concentrations should never exceed a maximum of 0.5 mg/l.

- h. **Sediment and Erosion Control** - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.
  - i. **Management of Runoff** - The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Parts IV.D.2. (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.
4. **Comprehensive Site Compliance Evaluation.** Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, except as provided in paragraph IV.D.4.d (below), in no case less than once a year. Such evaluations shall provide:
- a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
  - b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part IV.D.2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with paragraph IV.D.3 (measures and controls) of this permit shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than twelve weeks after the inspection.
  - c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution



prevention plan, and actions taken in accordance with paragraph IV.D.4.b (above) of the permit shall be made and retained as part of the storm water pollution prevention plan for at least one year after coverage under this permit terminates. The report shall be signed in accordance with Part VII.G (signatory requirements) of this permit.

- d. Where annual site inspections are shown in the plan to be impractical for inactive mining sites due to the remote location and inaccessibility of the site, site inspections required under this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years.

5. **Additional requirements for storm water discharges associated with industrial activity through municipal separate storm sewer systems serving a population of 100,000 or more**

- a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the discharger has been notified of such conditions.
- b. Permittees which discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more shall make plans available to the municipal operator of the system upon request.

6. **Consistency with other plans.** Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by an NPDES permit for the facility as long as such requirement is incorporated into the storm water pollution prevention plan.

7. **Additional requirements for storm water discharges associated with industrial activity from facilities subject to SARA Title III, Section 313 requirements.** In addition to the requirements of Parts IV.D.1 through 4 of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals which are classified as 'Section 313 water priority chemicals' in accordance with the definition in Part X of this permit, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines:

- a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

- (1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or
  - (2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water, and wind.
- b. In addition to the minimum standards listed under Part IV.D.7.a (above) of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:
- (1) **Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.**
  - (a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
  - (b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.
  - (2) **Material storage areas for Section 313 water priority chemicals other than liquids.** Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
  - (3) **Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals.** Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
  - (4) **Areas where Section 313 water priority chemicals are transferred, processed or otherwise handled.** Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping

and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system, and overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

- (5) **Discharges from areas covered by paragraphs (1), (2), (3) or (4).**
- (a) Drainage from areas covered by paragraphs (1), (2), (3) or (4) of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.
  - (b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.
  - (c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
  - (d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- (6) **Facility site runoff other than from areas covered by (1), (2), (3) or (4).** Other areas of the facility (those not addressed in paragraphs (1), (2), (3) or (4)), from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.
- (7) **Preventive maintenance and housekeeping.** All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or non-

containment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be immediately taken or the unit or process shut down until corrective action can be taken. When a leak or non-containment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

- (8) **Facility security.** Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
- (9) **Training.** Facility employees and contractor personnel that work in areas where SARA Title III, Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.
- (10) **Engineering Certification.** - The storm water pollution prevention plan for a facility subject to SARA Title III, Section 313 requirements for chemicals which are classified as 'Section 313 water priority chemicals' shall be reviewed by a Professional Engineer Registered in the State of South Carolina and certified to by such Professional Engineer. A South Carolina Registered Professional Engineer shall recertify the plan every three years thereafter or as soon as practicable after significant modifications are made to the facility. By means of these certifications, the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water pollution prevention plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the owner or operator of a facility covered by the plan of their duty to prepare and fully implement such plan.

8. **Additional Requirements for Salt Storage.**

Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to waters of South Carolina shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Dischargers shall demonstrate compliance with this provision. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of South Carolina.

**Part V. NUMERIC EFFLUENT LIMITATIONS**

- A. **Coal Pile Runoff.** Any discharge composed of coal pile runoff shall not exceed a maximum concentration for any time of 50 mg/l total suspended solids. Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. The pH of such discharges shall be within the range of 6.0-8.5 standard pH units (s.u.) Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 10 year, 24 hour rainfall event shall not be subject to the 50 mg/l limitation for total suspended solids. Failure to demonstrate compliance with these limitations will constitute a violation of this permit.

**Part VI. MONITORING AND REPORTING REQUIREMENTS**

- A. **Failure to Certify.** - Any facility that is unable to provide the certification required under paragraph IV.D.3.g.(1) (testing for non-storm water discharges), must notify the Department by **February 1, 1999** or, for facilities which begin to discharge storm water associated with industrial activity after **February 1, 1998**, 180 days after submitting a NOI to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-storm water discharges to waters of South Carolina which are not authorized by an NPDES permit are unlawful, and must be terminated or dischargers must submit appropriate NPDES permit application forms.

B. **Monitoring Requirements.**

1. **Limitations on Monitoring Requirements.**

- a. Except as required by paragraph b., only those facilities with activities specifically identified in Parts VI.B.2 (semi-annual monitoring requirements) and VI.B.3 (annual monitoring requirements) of this permit are required to conduct sampling of their storm water discharges associated with industrial activity.

- b. The Department can provide written notice to any facility otherwise exempt from either the sampling requirements of part VI.B. (Monitoring Requirements), or from the reporting requirements of part VI.D. (Reporting: Where to submit) that it shall conduct the annual discharge sampling required by Part VI.B.3.d. (additional facilities), to specify an alternative monitoring frequency, to specify additional parameters to be analyzed, or to request monitoring data submittal.

2. **Semi-Annual Monitoring Requirements.** During the period beginning on February 1, 1998 and lasting through January 31, 2003, permittees with facilities identified in parts VI.B.2.a. through f. must monitor those storm water discharges identified below at least semi-annually (2 times per year) except as provided in VI.B.5. (sampling waiver), VI.B.6. (representative discharge), and VI.C.1. (toxicity testing). Permittees with facilities identified in parts VI.B.2.e. and VI.B.2.f (below) must report in accordance with part VI.D.1.d. and VI.D.1.e. respectively (reporting: where to submit). Permittees with facilities identified in Parts VI.B.2.a. through d. (below) are not required to submit monitoring results, unless required in writing by the Department. However, such permittees must retain monitoring results in accordance with Parts IV.D. (Reporting: Where to submit) and VI.E. (Retention of records). In addition to the parameters listed below, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled;

- a. **Section 313 of EPCRA Title III Facilities.** In addition to any monitoring required by Parts VI.B.2.b. through f. or Parts VI.B.3.a. through d., facilities with storm water discharges associated with industrial activity that are subject to requirements to report releases into the environment under Section 313 of EPCRA for chemicals which are classified as 'Section 313 water priority chemicals' are required to monitor storm water that is discharged from the facility that comes into contact with any equipment, tank, container or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car loading or unloading area where a Section 313 water priority chemical is handled for: Oil and Grease (mg/L); Five Day Biochemical Oxygen Demand (BOD5) (mg/L); Chemical Oxygen Demand (COD) (mg/L); Total Suspended Solids (mg/L); Total Kjeldahl Nitrogen (TKN) (mg/L); Total Phosphorus (mg/L); pH; acute whole effluent toxicity; and any Section 313 water priority chemical for which the facility is subject to reporting requirements under section 313 of the Emergency Planning and Community Right to Know Act of 1986. Acute whole effluent toxicity is subject to the reporting requirements set forth in Parts VI.C.1.c., VI.C.2. and VI.D.1.e. below.

- b. **Primary Metal Industries.** Facilities with storm water discharges associated with industrial activity classified as Standard Industrial Classification (SIC) 33 (Primary Metal Industry) are required to monitor such storm water that is discharged from the facility for: oil and grease (mg/L); five day biochemical oxygen demand (BOD5) (mg/L); chemical oxygen demand (COD) (mg/L); total suspended solids (mg/L); pH; acute whole effluent toxicity; total lead (mg/L); total cadmium (mg/L); total copper (mg/L); total arsenic (mg/L); total chromium (mg/L); and any pollutant limited in an effluent guideline to which the facility is subject. Acute whole effluent toxicity is subject to the reporting requirements set forth in Parts VI.C.1.c., VI.C.2. and VI.D.1.e. below. Facilities that are classified as SIC 33 only because they manufacture pure silicon and/or semiconductor grade silicon are not required to monitor for total recoverable cadmium, total recoverable copper, total recoverable arsenic, total recoverable chromium or acute whole effluent toxicity, but must monitor for other parameters listed above.
  
- c. **Land Disposal Units/Incinerators/BIFs.** Facilities with storm water discharges associated with industrial activity from any active or inactive landfill, land application sites or open dump without a stabilized final cover that has received any industrial wastes (other than wastes from a construction site); and incinerators (including Boilers and Industrial Furnaces (BIFs)) that burn hazardous waste and operate under interim status or a permit under Subtitle C of RCRA, are required to monitor such storm water that is discharged from the facility for: Ammonia (mg/L), Magnesium (total) (mg/L), Magnesium (dissolved) (mg/L) Total Kjeldahl Nitrogen (TKN) (mg/l), nitrate plus nitrite nitrogen (mg/L), Chemical Oxygen Demand (COD) (mg/L), Total Dissolved Solids (TDS) (mg/L), Total Organic Carbon (TOC) (mg/L), oil and grease (mg/L), pH, Total recoverable arsenic (mg/L), Total recoverable Barium (mg/L), Total recoverable Cadmium (mg/L), Total recoverable Chromium (mg/L), Total recoverable Cyanide (mg/L), Total recoverable Lead (mg/L), Total Mercury (mg/L), Total recoverable Selenium (mg/L), Total recoverable Silver (mg/L), and acute whole effluent toxicity. Acute whole effluent toxicity is subject to the reporting requirements set forth in Parts VI.C.1.c., VI.C.2. and VI.D.1.e. below.
  
- d. **Wood Treatment.** Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility for: oil and grease (mg/L), pH, COD (mg/L), and TSS (mg/L). In addition, facilities that use chlorophenolic formulations shall measure pentachlorophenol (mg/L) and acute whole effluent toxicity; facilities which use creosote formulations shall measure acute whole effluent toxicity. Acute

whole effluent toxicity is subject to the reporting requirements set forth in Parts VI.C.1.c., VI.C.2. and VI.D.1.e. below. Facilities that use chromium-arsenic formulations shall measure total recoverable arsenic (mg/L), total recoverable chromium (mg/L), and total recoverable copper (mg/L).

- e. **Coal Pile Runoff.** Facilities with storm water discharges associated with industrial activity from coal pile runoff are required to monitor such storm water that is discharged from the facility for: oil and grease (mg/L), ph, TSS (mg/L), total recoverable copper (mg/l), total recoverable nickel (mg/l) and total recoverable zinc (mg/l). These facilities are subject to the numeric effluent limitations in Part V.A. (above) and are also subject to the reporting requirements in Part VI.D.1.d. (below).
- f. **Battery Reclaimers.** Facilities with storm water discharges associated with industrial activity from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation (including material handling activities) at facilities that reclaim lead acid batteries are required to monitor such storm water that is discharged from the facility for: Oil and Grease (mg/L); Chemical Oxygen Demand (COD) (mg/L); Total Suspended Solids (TSS) (mg/L); ph; total recoverable copper (mg/l); total recoverable lead (mg/l) and acute whole effluent toxicity. Acute whole effluent toxicity is subject to the reporting requirements set forth in Parts VI.C.1.c., VI.C.2. and VI.D.1.e. below. Battery Reclaimers are not eligible to opt for the Alternative to WET Parameter in Part VI.B.8.

- 3. **Annual Monitoring Requirements.** During the period beginning on February 1, 1998 and lasting through January 31, 2003, permittees with facilities identified in Parts VI.B.3.a, through d (below) must monitor those storm water discharges identified below at least annually (1 time per year) except as provided in VI.B.5 (sampling waiver), and VI.B.6 (representative discharge). Permittees with facilities identified in part VI.B.3.b. (below) must report in accordance with part VI.D.1.d. (reporting: where to submit). Permittees with facilities identified in Parts VI.B.3.a., c., and d. (below) are not required to submit monitoring results, unless required in writing by the Department. However, such permittees must retain monitoring results in accordance with Part VI.E (retention of records). In addition to the parameters listed below, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable(greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled;

- a. **Airports.** At airports with over 50,000 flight operations per year, facilities with storm water discharges associated with industrial activity from areas where aircraft or airport deicing operations occur (including runways, taxiways, ramps, and dedicated aircraft deicing stations) are required to monitor such storm water that is discharged from the facility when deicing activities are occurring for: Oil and Grease (mg/L); Five Day Biochemical Oxygen Demand



(BOD5) (mg/L); Chemical Oxygen Demand (COD) (mg/L); Total Suspended Solids (TSS) (mg/L); pH; and the primary ingredient used in the deicing materials used at the site (e.g. ethylene glycol, urea, etc.).

- b. **Coal-fired Steam Electric Facilities.** Facilities with storm water discharges associated with industrial activity from coal handling sites at coal fired steam electric power generating facilities (other than discharges in whole or in part from coal piles subject to storm water effluent guidelines at 40 CFR 423 - which are not eligible for coverage under this permit) are required to monitor such storm water that is discharged from the facility for: Oil and grease (mg/L), pH, TSS (mg/L), total recoverable copper (mg/l), total recoverable nickel (mg/l) and total recoverable zinc (mg/l). These facilities are subject to the numeric effluent limitations in Part V.A. (above) and are also subject to the reporting requirements in Part VI.D.1.d. (below).
- c. **Animal Handling / Meat Packing.** Facilities with storm water discharges associated with industrial activity from animal handling areas, manure management (or storage) areas, and production waste management (or storage) areas that are exposed to precipitation at meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils, are required to monitor such storm water that is discharged from the facility for: Five Day Biochemical Oxygen Demand (BOD5) (mg/L); Chemical Oxygen Demand (COD) (mg/L); Total Suspended Solids (TSS) (mg/L); Total Kjeldahl Nitrogen (TKN) (mg/L); Total Phosphorus (mg/L); pH; and fecal coliform (counts per 100 ml).
- d. **Additional Facilities.** Facilities with storm water discharges associated with industrial activity that:
  - (i) come in contact with storage piles for solid chemicals used as raw materials that are exposed to precipitation at facilities classified as SIC 30 (Rubber and Miscellaneous Plastics Products) or SIC 28 (Chemicals and Allied Products);
  - (ii) are from those areas at automobile junkyards with any of the following: (A) over 250 auto/truck bodies with drivelines (engine, transmission, axles, and wheels), 250 drivelines, or any combination thereof (in whole or in parts) are exposed to storm water; (B) over 500 auto/truck units (bodies with or without drivelines in whole or in parts) are stored exposed to storm water; or (C) over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water;
  - (iii) come into contact with lime storage piles that are exposed to storm water at lime manufacturing facilities;
  - (iv) are from oil handling sites at oil fired steam electric power generating facilities;
  - (v) are from cement manufacturing facilities and cement kilns (other than discharges in whole or in part from material storage piles subject to storm water effluent guidelines at 40 CFR 411 - which are not eligible for coverage under this permit);
  - (vi) are from ready-mixed concrete facilities; or

(vii) are from ship building and repairing facilities; are required to monitor such storm water discharged from the facility for: Oil and Grease (mg/L); Chemical Oxygen Demand (COD) (mg/L); Total Suspended Solids (TSS) (mg/L); pH; and any pollutant limited in an effluent guideline to which the facility is subject. Facilities classified under SIC 4493 - marinas that engage in boat maintenance, rehabilitation, repair painting, fueling, lubrication and cleaning are covered under this permit per VI.B.3.d.(vii) above. Value of receipts is a clear indication of whether a facility is engaged in these activities.

4. **Sample Type.** For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken. For all other discharges, data shall be reported for both a grab sample and a composite sample. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall record with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable. The composite sample shall either be flow-weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes. Grab samples only must be collected and analyzed for the determination of pH, cyanide, acute whole effluent toxicity, oil and grease, and volatile organic compounds. Grab samples for volatile organic compounds shall be taken during the first thirty minutes, or sooner, if at all practicable, and also during the last twenty minutes of the first three hours of the discharge.
5. **Sampling Waiver.** When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). Dischargers are precluded from exercising this waiver more than once during a two year period.

6. **Representative Discharge.** When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfalls. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g. low (under 40 percent), medium (40 to 65 percent) or high (above 65 percent)) shall be provided in the plan. Permittees required to keep monitoring information on site under part VI.D.1. of this permit, and permittees required to submit monitoring information under parts VI.C.1.c, VI.D.1.d., or VI.D.1.e. of this permit shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the monitoring information.
  7. **Alternative Certification.** A discharger is not subject to the monitoring requirements of Parts VI.B.2 or 3 of this permit provided the discharger makes a certification for a given outfall, on an annual basis, under penalty of law, signed in accordance with Part VII.G (signatory requirements), that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, significant materials from past industrial activity, or in the case of airports, deicing activities, that are located in areas of the facility that are within the drainage area of the outfall are not presently exposed to storm water and will not be exposed to storm water for the certification period. Such certification must be retained in the storm water pollution prevention plan, and submitted to the Department in accordance with Part VI.D of this permit.
  8. **Alternative to WET Parameter.** A discharger that is subject to the monitoring requirements of Parts VI.B.2. a through d may, in lieu of monitoring for acute whole effluent toxicity, monitor for pollutants identified in Tables II and III of Appendix D of 40 CFR 122 that the discharger knows or has reason to believe are present at the facility site. Such determinations are to be based on reasonable best efforts to identify significant quantities of materials or chemicals present at the facility. Dischargers must also monitor for any additional parameters identified in Part VI.B.2.a through d.
- C. **Toxicity Testing.** Permittees that are required to monitor for acute whole effluent toxicity shall initiate the series of tests described below within 180 days after the issuance of this permit or within 90 days after the commencement of a new discharge.
1. **Test Procedures**
    - a. Semiannually (twice per year), the permittee shall conduct an acute 48 hour static toxicity test using a control and 100% effluent. The test shall be conducted using Ceriodaphnia dubia as the

appropriate invertebrate test organism. Such test shall be performed in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", 4th ed. (EPA/600/4-90-027) (Rev. September 1991), and "South Carolina Procedures for Pass/Fail Modifications of the *Ceriodaphnia* 48-hour Acute Toxicity Test and *Ceriodaphnia* Survival and Reproduction Test" (SCDHEC, May, 1989) or a superseding document for either. Freshwater species must be used for discharges to freshwater water bodies. Due to the non-saline nature of rainwater, freshwater test species should also be used for discharges to estuarine, marine or other naturally saline water bodies.

- b. If the test results indicate that the mortality observed in the *Ceriodaphnia dubia* in the 100% effluent concentration is significantly greater than that observed in the control at the 0.05  $\alpha$  level, the test shall be deemed a failure.
  - c. Results of all toxicity tests shall be recorded on SCDHEC Acute Toxicity Reporting Form in accordance with part VI.D.1. of this permit. Also, when keeping monitoring information on site, the permittee shall indicate if there is no statistically significant difference between the control mortality and the effluent mortality. In the event that there is statistically significant difference (exhibits toxicity), the permittee shall report it to the Department in accordance with parts VI.D.1.e. and f. of this permit.
2. If acute whole effluent toxicity (statistically significant difference between the 100 percent dilution and the control) is detected in storm water discharges required to conduct toxicity testing on or after October 1, 1995, the permittee shall review the storm water pollution prevention plan and make appropriate modifications to assist in identifying the source(s) of toxicity and to reduce the toxicity of their storm water discharges. A summary of the review and the resulting modifications shall be provided in the plan.

D. Reporting: Where to Submit.

- 1. a. Permittees which are required to conduct sampling pursuant to parts VI.B.2.a. (EPCRA Section 313), and d. (Wood Treatment facilities), must keep monitoring results obtained during the reporting period running from January to December on site starting no later than the 28th day of the following January. The monitoring results must be kept with the SWP3, and must be available for inspection by the Department at all times. Separate results are required to be kept for each event monitored in accordance with part VI.E.2. (Retention of Records). Monitoring results are expected to reflect SWP3 improvements in eliminating pollutants being discharged in storm water. The first monitoring result may include less than 12 months of information.

- b. Permittees which are required to conduct sampling pursuant to part VI.B.2.b. (Primary Metal facilities), must keep monitoring results obtained during the reporting period running from April to March on site starting no later than the 28th day of the following April. The monitoring results must be kept with the SWP3, and must be available for inspection by the Department at all times. Separate results are required for each event monitored in accordance with part VI.E.2. (Retention of Records). Monitoring results are expected to reflect SWP3 improvements in eliminating pollutants being discharged in storm water. The first monitoring result may include less than 12 months of information.
- c. Permittees which are required to conduct sampling pursuant to part VI.B.2.c. (Land Disposal facilities), must keep monitoring results obtained during the reporting period running from October to September on site starting no later than the 28th day of the following October. The monitoring results must be kept with the SWP3, and must be available for inspection by the Department at all times. Separate results are required for each event monitored in accordance with part VI.E.2. (Retention of Records). Monitoring results are expected to reflect SWP3 improvements in eliminating pollutants being discharged in storm water. The first monitoring result may include less than 12 months of information.
- d. Permittees which are required to conduct semi-annual sampling pursuant to part VI.B.2.e. (Coal Pile Runoff) and permittees which are required to conduct annual sampling pursuant to part VI.B.3.b. (Coal-fired Steam Electric Facilities) must submit a separate D.M.R. form for each occurrence for results obtained during the reporting period running from October to September in compliance with the numeric effluent limitations established in part V.A. Coal Pile Runoff (pH within the 6.0-8.5 s.u. range, and total suspended solids concentration not to exceed a maximum of 50 mg/l total suspended solids) The D.M.R. should be postmarked not later than twenty eight (28) calendar days from the date of the occurrence, signed and submitted to the Department in accordance with part VI.D.1.f. of this permit.
- e. Permittees which are required to conduct semi-annual sampling pursuant to part VI.B.2.f. (Battery Reclaimers) must submit a separate D.M.R. form for each occurrence for results obtained during the reporting period running from October to September in compliance with parts VI.C.1. and VI.B.2. of this permit. The D.M.R. should be postmarked not later than twenty eight (28) calendar days from the date of the occurrence, signed and submitted to the Department in accordance with part VI.D.1.f. of this permit.

For storm water discharges from Battery Reclaimers required to comply with the provisions established in Parts VI.B.2.f. and VI.C.1.c. Toxicity Testing - Test Procedures taking place after **February 1, 1998** a separate Acute Toxicity Reporting Form shall be required for each occurrence. The form should be postmarked no

later than twenty eight (28) calendar days from the date of the occurrence, signed and submitted to the Department in accordance with part VI.D.1.f. of this permit. This last provision is also applicable to all of the dischargers opting to monitor for whole effluent toxicity in parts VI.B.2.a. through f. of this permit.

- f. Signed copies of discharge monitoring reports required under Parts VI.C.1.c., VI.D.1.d., and VI.D.1.e., individual permit applications and all other reports required herein, shall be submitted to the Department at the following address:

SC Dept. of Health and Environmental Control  
Bureau of Water  
Monitoring and Enforcement Division  
2600 Bull Street  
Columbia, SC 29201

- g. Permittees with facilities identified in parts VI.B.2. (semi annual monitoring) except for those identified in VI.B.2.e. (Coal-pile runoff) and VI.B.2.f. (Battery Reclaimers) and permittees with facilities identified in part VI.B.3. (annual monitoring) except for those identified in VI.B.3.b. (Coal-fired Steam Electric Facilities) are not required to submit monitoring results, unless required in writing by the Department. They must retain all records on site and available for inspection at all times in accordance with parts VI.B.2., VI.B.3. and VI.E.

**2. Additional Notification.**

- a. In addition to filing copies of D.M.R.'s in accordance with Parts VI.C.1.c., VI.D.1.d., VI.D.1.e., and VI.D.1.f. (reporting: where to submit), facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in paragraph VI.D.1. (reporting: where to submit). Facilities not required to report monitoring data under Parts VI.B.2. (semi-annual monitoring requirements) and VI.B.3. (annual monitoring requirements), and facilities that are not otherwise required to monitor their discharges, need not comply with this provision.

**E. Retention of Records.**

1. The permittee shall retain the pollution prevention plan developed in accordance with Part IV (storm water pollution prevention plans) of this permit until at least one year after coverage under this permit terminates. The permittee shall retain all records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, until at least one year after coverage under this permit terminates. This period may be explicitly modified by alternative provisions of this permit (see paragraph VI.E.2 (below) of this permit) or extended by request of the Department at any time.

2. For discharges subject to sampling requirements pursuant to Part VI.B (monitoring requirements), in addition to the requirements of paragraph VI.E.1 (above), permittees are required to retain for a six year period from the date of sample collection or for the term of this permit, whichever is greater, records of all monitoring information collected during the term of this permit. Permittees must submit such monitoring results to the Department upon the requests of the Department, and submit a summary of such result as part of renotification requirements in accordance with Part II.E (renotification).

**Part VII. STANDARD PERMIT CONDITIONS**

**A. Duty to Comply.**

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and the S.C. Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**2. Penalties for Violations of Permit Conditions.**

- a. Any person who violates a term or condition contained within this permit is subject to the actions defined by Sections 48-1-320 and 48-1-330 of the S.C. Pollution Control Act.
- b. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance.

**B. Continuation of the Expired General Permit.**

This permit expires January 31, 2003. However, an expired general permit continues in force and effect until a new general permit is issued. Permittees remain covered under the continued permit after January 31, 2003.

- C. Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- D. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

- E. Duty to Provide Information.** The permittee shall furnish to the Department, within a time specified by the Department, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

- F. Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information.

- G. **Signatory Requirements.** All Notices of Intent, Notices of Termination, storm water pollution prevention plans, reports, certifications or information either submitted to the Department (and/or the operator of a large or medium municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed.
1. All Notices of Intent shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - c. For a municipality: State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).
  2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Department.
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
    - c. **Changes to authorization.** If an authorization under paragraph VII.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new notice of intent satisfying the requirements of paragraph II.C must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.



- d. **Certification.** Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. **False Statements, Representations or Certifications Falsifying Tampering with or Rendering Inaccurate Monitoring Devices or Methods.**

Section 48-1-340 of the S.C. Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in an application, record, report, plan or other document filed or required to be maintained under this permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained by this permit, shall be subject to the civil or criminal provisions of Sections 48-1-320 and 48-1-330 of the S.C. Pollution Control Act.

- I. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the CWA, Section 106 of CERCLA, the S.C. Pollution Control Act, or applicable provisions of the S.C. Hazardous Waste Management Act and the S.C. Oil and Gas Act.

- J. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

- K. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

- L. **Requiring an individual permit or an alternative general permit.**

1. The Department may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Department to take action under this paragraph. The Department may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an

application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address shown in Part II.C (reporting: where to submit) of this permit. The Department may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Department, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2F) with reasons supporting the request to the Department. Individual permit applications shall be submitted to the address in Part II.C of this permit. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

**M. State/Environmental Laws.**

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the CWA.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

- N. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

0. **Monitoring and records.**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 6 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

3. **Records Contents.** Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
  - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The time(s) analyses were initiated;
  - e. The initials or name(s) of the individual(s) who performed the analyses;
  - f. References and written procedures, when available, for the analytical techniques or methods used; and
  - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and S.C. Environmental Laboratory Certification Regulation 61-81, unless other test procedures have been specified in this permit.

P. **Inspection and Entry.** The permittee shall allow the Director or an authorized representative of EPA, the Department, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- Q. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- R. **Area Wide Water Quality Management Plan Conformance.** All associated with industrial activity storm water discharges given coverage under this permit are in compliance with the appropriate Area Wide Water Quality Management Plan prepared pursuant to Section 208 of the CWA.
- S. **Bypass of Treatment Facility.**
  1. Notice:
    - a. Anticipated bypass. If a permittee subject to the numeric effluent limitation of Part V.A. of this permit shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
  2. Prohibition of bypass:
    - a. Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass. Unless:
      - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (2) There were no feasible alternative to the bypass, such as the use of auxiliary facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgement, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      - (3) The permittee submitted notices of the bypass.
    - b. The Department may approve an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Part VII.S.2.a.

**T. Upset Conditions.**

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based numeric effluent limitations in Part V.A of this permit if the requirements of paragraph 2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, if final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
  - a. An upset occurred and that the permittee can identify the specific cause(s) of the upset:
  - b. The permitted facility was at the time being properly operated; and
  - c. The permittee provided oral notice of the upset to the Department within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the upset and its cause; the period of the upset; including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the upset.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

**Part VIII. REOPENER CLAUSE**

- A. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain individual permit or an alternative general permit in accordance with Part VII.L (requiring an individual permit or alternative general permit) of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation will be conducted according to S.C. Pollution Control Act and S.C. Regulation 61-9.

**Part IX. TERMINATION OF COVERAGE**

- A. **Notice of Termination.** Where all storm water discharges associated with industrial activity that are authorized by this permit are eliminated, the operator of the facility may submit a Notice of Termination that is signed in accordance with Part VII.G (signatory requirements) of this permit. The Notice of Termination shall include the following information:

1. Name, mailing address, and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the facility to the nearest 15 seconds that the facility is located in;
2. Up to four 4-digit SIC codes that best represent the principal products or activities provided by the facility;
3. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;
4. The NPDES permit for the storm water discharge associated with industrial activity identified by the Notice of Termination; and
5. The following certification signed in accordance with Part VII.G (signatory requirements) of this permit:

"I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a NPDES general permit have been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit."

- B. **Addresses.** All Notices of Termination are to be sent, using the form provided by the Department (or a photocopy thereof), to the following address:

SC Dept. of Health and Environmental Control  
NPDES/ND Permit Administration  
Storm Water Notice of Termination  
2600 Bull Street  
Columbia, SC 29201

## **Part X. DEFINITIONS**

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Coal pile runoff" means the rainfall runoff from or through any coal storage pile

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

"Department" means the South Carolina Department of Health and Environmental Control or an authorized representative and shall also be inclusive of those persons within the Department authorized by the Board to administer the NPDES program or take any action on behalf of the Board.

"Director" means the EPA Regional Administrator or an authorized representative.

"EPA" means the Environmental Protection Agency.

"Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

- (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
- (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
- (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Department as part of the large or medium municipal separate storm sewer system.

"NOI" means notice of intent to be covered by this permit and it is a form used by potential permittees to notify the Department, within a specified time, that they intend to comply with the general permit or that they do not wish to be covered by the general permit and wish an individual permit. (See Parts II and VII.L of this permit.)

"NOT" means notice of termination (see Part IX of this permit.)

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal

feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Section 313 water priority chemical" means a chemical or chemical categories which are: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986; 2) are present at or above threshold levels at a facility subject to EPCRA, Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of EPCRA: fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (x) of this subsection, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate



and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subparagraph (xi), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph):

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l) because the performance bond issued to the facility the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or waste water treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;

(x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (i)-(x))<sup>3</sup>.

"Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations of

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<sup>3</sup> On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exclusion for manufacturing facilities in category (xi) which do not have materials or activities exposed to storm water to the EPA for further rule making. (Nos. 90-70671 and 91-70200).

Part V of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

"Waters of South Carolina" means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction and all waters of the United States within the political boundaries of the State of South Carolina.

"Waters of the United States" means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
  - (b) All interstate waters, including interstate "wetlands";
  - (c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, wet meadows, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
    - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
  - (d) All impoundments of waters otherwise defined as waters of South Carolina under this definition;
  - (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
  - (f) The territorial sea; and
  - (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.
- Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the South Carolina. This exclusion applies only to manmade bodies of water which neither were originally created in waters of South Carolina (such as disposal areas in wetlands) nor resulted from the impoundment of waters of South Carolina.

"10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years.